

### **REMARKS**

Claims 5, 6, 9-15, 17-19, 48 and 49 are pending. Claims 1, 3, 7, 8, 16, and 20-47 have been cancelled without prejudice. Claims 5, 6, 9-12, 48 and 49 have been amended. No new matter has been added by virtue of these amendments. The claim amendments are supported by the specification and the originally-filed claims. Importantly, support for the amendment to claim 12 can be found, for example, in claims 1 and 16 as originally filed.

Amendment and cancellation should in no way be construed as an acquiescence to any of the Examiner's rejections. The amendments to, or cancellation of, the claims are being made solely to expedite prosecution of the present application and do not, and are not intended to, narrow the claims in any way. Applicants reserve the option to further prosecute the same or similar claims in the instant or in a subsequent patent application.

#### **Objection to Finality of the Rejection**

Applicants respectfully request withdrawal of the finality of the Office Action issued October 7, 2003. The Examiner introduced new grounds of rejection, in particular, the rejection of claims 1, 5, 6, 9-19, 48 and 49 under 35 U.S.C. §102(e) over Yu et al (U.S. Patent No. 6,600,026), a newly-cited reference. This rejection was not necessitated by Applicant's amendment filed on June 13, 2003 because the reference might have been applicable to the claims as originally filed. Accordingly, pursuant to MPEP §706.07(a), the Applicants assert that the finality of the rejection was improper.

#### **Rejection of Claims 1, 5-6, 9-19, 48 and 49 under 35 U.S.C. §112, first paragraph**

Claims 1, 5-6, 9-19, 48 and 49 have been rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. Applicants respectfully disagree with the rejection, however, in an effort to expedite prosecution, claim 1 has been canceled and claims 5, 6, 9-12, 48 and 49 have been amended. The amendments are believed to obviate the rejection. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

**Rejection of Claims 1, 5-6, 9-19, 48 and 49 under 35 U.S.C. §112, second paragraph**

Claims 1, 5-6, 9-19, 48 and 49 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicants respectfully disagree with the rejection; however, in an effort to expedite prosecution, claim 1 has been canceled and claims 5, 6, 9-12, 48 and 49 have been amended. The amendments are believed to obviate the rejection. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

**Rejection of Claims 1, 5, 6, 9-19, 48 and 49 under 35 U.S.C. §102(e)**

Claims 1, 5, 6, 9-19, 48 and 49 have been rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Yu (U.S. Patent No. 6,600,026). Applicants respectfully disagree with the rejection; however, in an effort to expedite prosecution, claim 1 has been canceled and claims 5, 6, 9-12, 48 and 49 have been amended. The amendments are believed to obviate the rejection. In particular, Yu does not teach or suggest a solid support bearing an array of support-bound probes at a probe density of between  $1 \times 10^{-11}$  and  $12 \times 10^{-11}$  moles per  $\text{cm}^2$ . Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

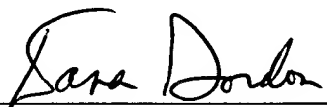
**Rejection of Claims 1, 5, 6, 9-19, 48 and 49 under 35 U.S.C. § 103(a)**

Claims 1, 5, 6, 9-19, 48 and 49 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Horn et al (US 6,465,175) in view of Kuimelis et al (WO 99/51773). Applicants respectfully disagree with the rejection; however, in an effort to expedite prosecution, claim 1 has been canceled and claims 5, 6, 9-12, 48 and 49 have been amended. The amendments are believed to obviate the rejection. In particular, neither Horn et al nor Kuimelis et al teach or suggest a solid support bearing an array of support-bound probes at a probe density of between  $1 \times 10^{-11}$  and  $12 \times 10^{-11}$  moles per  $\text{cm}^2$ . Accordingly, the cited references, either alone or in combination, fail to teach or suggest all of the elements of the rejected claims. Reconsideration and withdrawal of the rejection is respectfully requested.

**CONCLUSION**

Applicants consider the Response herein to be fully responsive to the referenced Office Action. Based on the above Remarks and Amendments, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance of the pending claims is requested. If a telephone conversation with Applicants' Attorney would expedite prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 832-1000.

Respectfully submitted,

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